

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CRAIG GOULET

Plaintiff,

v.

NEW PENN MOTOR EXPRESS

Defendant

and

TEAMSTERS LOCAL 25

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS**

Defendant,

**CIVIL ACTION
NO. 04-12577-JLT**

**DEFENDANT, TEAMSTERS LOCAL 25'S MOTION FOR AN EXTENSION OF TIME
TO FILE ITS MOTION FOR SUMMARY JUDGMENT**

International Brotherhood of Teamsters, Local 25, hereby moves the Court for a extension of time in which to file its Rule 56 motion until January 23, 2006. The basis for this Motion is as follows:

1. At the parties' pre-trial conference on December 14, 2005, the Court ordered that the Defendants may file motions for summary judgment by January 15, 2006.
2. After December 21, 2005, the Defendants received an eight (8) page errata sheet from the Plaintiff in which he changed many the answers from his deposition.
3. Due the number of changes made by the Plaintiff at that late date, and the schedule of Defendant's counsel, counsel anticipates that it will need an additional week to complete its motion and memorandum for summary judgment.
4. Despite the judge's order, the Social Security Administration informed the parties on or about January 9, 2006, that it would not be prepared to be deposed or be

able to produce the records concerning the application of the Plaintiff on January 12, 2006 as subpoenaed, and are now expected to deliver the requested documents on or before February 3, 2006.

4. The granting of such an extension would still allow the Plaintiff twenty-one (21) to submit an opposition to its motion

5. This Motion is made in good faith and not for the purpose of obstruction or delay.

WHEREFORE, the Defendant, Teamsters Local 25 respectfully request a final modification of the tracking order for the submission of summary judgment to January 23, 2006.

Respectfully submitted,

For the Defendant,
Teamsters Local 25,
By its attorneys,

/s/ Kathleen A. Pennini
Matthew E. Dwyer
BBO #139840
Kathleen A. Pennini
BBO # 654573
Dwyer, Duddy and Facklam, P.C.
Attorneys at Law, P.C.
One Center Plaza, Suite 360
Boston, MA 02108
617-723-9777

CERTIFICATE OF SERVICE

I, Kathleen A. Pennini, hereby certify that I have electronically filed this motion on January 13, 2006, with delivery to :

Scott Lathrop, Esq.
Scott A. Lathrop & Associates
122 Old Ayer Road
Groton, MA 01450

Carl H. Gluek, Esq.
Frantz Ward, LLP
55 Public Square Building, 19th Floor
Cleveland, OH 44113-1999

/s/ Kathleen A. Pennini
Kathleen A. Pennini